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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,444	03/29/2001	Junji Sakai	P/2041-58	1745
7590 12/02/2004			EXAMINER	
Steven Dickson 1177 Avenue of the Americas New York, NY 10036-2714			STEELMAN, MARY J	
			ART UNIT	PAPER NUMBER
			2122	
DATE MAILED: 12/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,900

Applicant(s)

CHOI, WON TAI

Examiner

Melvin H Pollack

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/5/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached office action.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 15 recites the limitation "method" in claim 7. There is insufficient antecedent basis for this limitation in the claim. Claim 7 makes no mention of a method and simply describes a system. For the purposes of examination, the examiner will assume that claim 15 is meant to be dependent on claim 14.

Claim Rejections - 35 USC § 103

4. Claims 1, 2-10, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuel et al. (6,023,729) in view of Terry et al. (6,681,108).
5. For claim 1, Samuel teaches a system (abstract; col. 1, line 1 – col. 4, line 5) for automatically informing a first user (Fig. 8, C1) in a virtual space (Figs. 3-10) of a second user (Fig. 8, C2) having similar interests (col. 1, lines 20-25; col. 2, lines 50-60), the system comprising:
 - a. Means for calculating a similarity between the first and second users (col. 3, lines 1-10), which monitors whether there is the second user, and calculates a similarity between the first user and the second user (Fig. 18; col. 7, line 10 – col. 8, line 55) by

using the users' information stored in a storage part of the virtual space (col. 12, lines 25-30); and

b. Means for determining whether or not the first user is similar to the second user based on the similarity or not (col. 11, line 60 – col. 14, line 10).

6. Samuel provides an example of a GUI icon in which a second user is too far from a first user (col. 10, lines 54-58), but does not expressly disclose a method of monitoring whether the second user is within a predetermined distance from the first user in the virtual space. Terry describes a method (abstract) of informing a first user of a second user with similar interests (col. 1, line 1 – col. 3, line 20) that activates when a first user is in the same location of a second user (col. 4, line 30 – col. 5, line 55), within a predetermined distance (col. 6, lines 53-56) that may be extended (col. 9, lines 15-30). At the time the invention was made, one of ordinary skill in the art would have used a Terry proximity check in Samuel in order to alert the first user of a nearby second user for social purposes without the problems of normal “stranger” meetings (col. 1, lines 10-30).

7. For claim 2, Samuel teaches means for guiding information of the second user to the first user when it is determined that the first user is similar to the second user (col. 3, lines 10-20).

8. For claim 4, Samuel teaches that the similarity is calculated by using public information of the first user and the second user (col. 7, lines 10-30).

9. For claim 5, Samuel teaches that the guiding means guides the second user to the first user in real time when the similarity between the second user and the first user is above a predetermined value (Fig. 1).

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10. For claim 6, Samuel teaches that when there are at least two second users in the predetermined distance from the first user, the similarity is calculated in a predetermined order of said at least two second users (col. 5, lines 45-55).

11. For claim 7, Samuel teaches that the calculating means and the determining means are performed by a proxy agent (Fig. 4, MM) that performs a predetermined action on behalf of the first user while the first user navigates the virtual space (col. 11, line 60 – col. 12, line 10).

12. For claim 8, Samuel teaches that the proxy agent includes:

- a. A controller for controlling the public information of the first user from the storage part (col. 12, lines 5-13);
- b. A calculator for calculating the similarity on the basis of the public information and a predetermined similarity calculation algorithm (col. 12, lines 13-35); and
- c. A communication part for communicating with a proxy agent of the second user (col. 12, lines 50-55).

13. Claims 9, 10 and 12-15 are drawn to a method that effectively describes the activities undertaken by the hardware system as drawn in claims 1, 2, and 4-7, respectively. It is well known in the art that the underlying method of a given system is functionally equivalent to said system. Therefore, since claims 1, 2, and 4-7 are rejected, then claims 9, 10, and 12-15 are also rejected for the reasons above. A teaching regarding the method/system equivalence is available upon request.

14. Claims 3, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuel and Terry as applied to claims 1 above, and further in view of Shear et al. (6,112,181).

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15. For claim 3, Samuel does not expressly disclose that the users' information is comprised of public information and confidential information, but does teach that a user's information is updated by a user's selection (col. 11, lines 40-45). Terry cites some privacy concerns, (col. 4, lines 55-65; col. 10, line 65) but does not expressly disclose the public vs. private information either. Shear teaches a method (abstract) of performing matching and selection techniques (col. 1, line 1 – col. 30, line 50), i.e. matching up two people based upon interests (col. 9, lines 25-55) and distance (col. 13, lines 10-35). In this instance, Shear teaches how privacy may be maintained through the use of marking some information as confidential (col. 11, line 44 – col. 12, line 55). At the time the invention was made, one of ordinary skill in the art would have used the privacy method of Shear within Samuel and Terry in order to ensure integrity and secrecy, as appropriate (col. 11, line 55).

16. Claim 11 is drawn to a method that effectively describes the activities undertaken by the hardware system as drawn in claim 3. It is well known in the art that the underlying method of a given system is functionally equivalent to said system. Therefore, since claim 3 is rejected, then claim 11 is also rejected for the reasons above. A teaching regarding the method/system equivalence is available upon request.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (571) 272-3887.

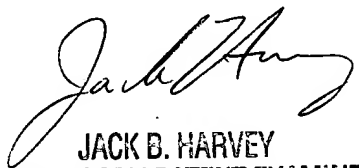
The examiner can normally be reached on 8:00-4:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
24 November 2004


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER